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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/171,735	12/04/98	SCHONBECK	J 3245-628PCT

IM52/0731  
COHEN PONTANI LIEBERMAN & PAVANE  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK NY 10176

EXAMINER

COY, N

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 07/31/01

*13*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

**Office Action Summary**

Applicati n N .

09/171,735

Applicant(s)

SCHONBECK ET AL.

Examiner

Nicole Coy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to the amendment filed on June 18, 2001. Applicant has amended claims 6 and 10. Claims 6-8 and 10-13 are pending.

2. Applicant's arguments filed June 18, 2001 have been fully considered but they are not persuasive. Applicant has amended claim 6 so that the strip is not cut before coiling. Applicant thus starts with enough initial molten material to control the intermediate coil weight. Thus the molten material is not continuously added to the initial cast machine. The prior art JP 59-92103 discloses that the slab is cast continuously, i.e. the molten material is continuously being cast. In order to applicant to not cut the intermediate strip before coiling, applicant must control the amount of material in the initial cast stage. However, it is within the level of ordinary engineering skill to convert a process from continuous to batch. *In re Dilnot* 138 USPQ 248. In the instant case, the prior art discloses a continuous process, whereas applicant discloses a batch, i.e. applicant is not continuously adding the initial starting material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify JP 59-92103 by making the taught continuous process a batch one, so as to improve the coiling process.

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 59092103.

JP 59092103 discloses the invention substantially as claimed. JP 59092103 discloses a process for producing hot rolled steel strip from a continuous cast precursor strip comprising the steps of:

Receiving at a first deformation stage having at least one roll stand, the continuous precursor strip;

Rolling the continuous precursor strip;

Coiling the strip to form a coil weight comprising 203 tons (Pg 4, col. 2), i.e. at least 40 tons;

Uncoiling the strip;

Rolling the strip again;

Producing a plurality of finished coils from the finished strip by coiling the finished strip and severing into sections (See abstract and FIG 1).

However, JP 59-92103 does not disclose not cutting the strip before the intermediate coil. Applicant thus starts with enough initial molten material to control the intermediate coil weight. Thus the molten material is not continuously added to the

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initial cast machine. The prior art JP 59-92103 discloses that the slab is cast continuously, i.e. the molten material is continuously being cast. In order to applicant to not cut the intermediate strip before coiling, applicant must control the amount of material in the initial cast stage. However, it is within the level of ordinary engineering skill to convert a process from continuous to batch. *In re Dilnot* 138 USPQ 248. In the instant case, the prior art discloses a continuous process, whereas applicant discloses a batch, i.e. applicant is not continuously adding the initial starting material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify JP 59-92103 by making the taught continuous process a batch one, so as to improve the coiling process.

Furthermore, JP 59092103 does not disclose changing the metallurgical characteristics of the continuous intermediate strip by changing a temperature control prior to the coiling step before the rolling step of the intermediate strip.

It is well-known in the art that between the coiling step and the rolling step that temperature changes occur, which would cause metallurgical characteristics to change. Therefore, it would have been obvious to one skilled in the art to have changed the temperature between the coiling step and the rolling step in the process of JP 59092103 in order to change the metallurgical characteristics of the continuous intermediate strip.

With respect to claim 7, JP 59092103 discloses using a mandrel on the coil (see pg 4, col. 1).

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With respect to claim 8, it is conventional in the art to do coiling both with and without mandrels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify JP 59092103 by coiling without a mandrel.

With respect to claim 12, JP 59092103 discloses changing the geometrical characteristics during the second deformation stage. In the FIG, 1B does an orientation correction (pg 3, Col. 1).

With respect to claim 13, JP 59092103 discloses that around the coils is a heat retention box, thus protecting the edges of the intermediate strip from cooling (Pg 3, Col. 1).

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 59092103 in view of Maebara et al.

JP 59092103 discloses the invention substantially as claimed (see paragraph 4 above).

However, JP 59092103 does not disclose changing the metallurgical characteristics of the intermediate strip by using a flexible speed control.

Maebara et al. discloses (Col. 4, lines 16-17) using a variable speed control motor in the same field of endeavor for the purpose of adjusting the speed of the strip, and thus changing the metallurgical characteristics of the strip.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify JP 59092103 by adding a flexible speed control as taught

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by Maebara et al. in order to adjust the speeds of the process and change the metallurgical characteristics.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is (703)308-3860. The examiner can normally be reached on Monday-Friday 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703)308-1146. The fax phone numbers for

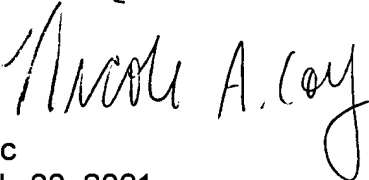
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the organization where this application or proceeding is assigned are (703)305-3599 for regular communications and (703)305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0651.

  
nac  
July 30, 2001

  
ROY KING  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700